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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,252	07/25/2000	Jean M. McManus	Bell-33	7622
32127	7590	07/09/2004	EXAMINER CHOUDHARY, ANITA	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			ART UNIT 2153	PAPER NUMBER

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/625,252	Applicant(s) MCMANUS, JEAN M.	
	Examiner Anita Choudhary	Art Unit 2153	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached "Response to Arguments".
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

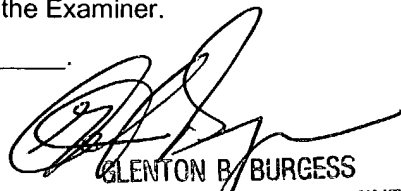
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-29.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.


GLENON B. BURGESS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Response to Arguments

Applicant's arguments filed June 7, 2004 have been fully considered but they are not persuasive.

Examiner acknowledges and agrees with Applicants arguments referring to the final action mailed February 19, 2004 stating that the preamble should be given patentable weight since it provides anteceded basis for terms in the body of the claim (see page 8 of Applicants Remarks). Although examiner incorrectly characterized the amendment, the amendments presented in the reply dated November 21, 2003 still merit new grounds for rejection in the form of a final action necessitated by amendments. Therefore the finality of Action mailed February 19, 2004 was properly made.

Applicant further asserts that an Examiner Interview was not made (as requested in Reply dated November 21, 2003) before the Final action was made and since this was not done, the applicant did not have an opportunity to make any amendments. Examiner fails to see how an interview at that time would have been productive to the prosecution of this application since a new grounds of rejection was being made and furthermore applicant was already given the opportunity to make amendments after the first office action was mailed. Applicant has again requested an Examiner's interview in the reply mailed June 7, 2004. However, Examiner does not deem an Interview at this time (after final) would move this action to disposal or further clarify for the purpose of appeal (see MPEP 713.09). In the future, Applicant is advised to place a telephone call to the Examiner stating the matter that Applicant desires to discuss in an Interview. In reply to the After Final Arguments, Examiner provides full response below to Applicant's arguments to rejections made under 102 and 103.

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In referring to rejection made under US Patent 6,483,870 assigned to Locklear et al., applicant argues that the patent does not teach determining that the data accepted concerns establishing a connection, then selecting one of the at least two communication links based on a policy (see page 9 of Remarks). In response, attention is brought to column 5 lines 1-37. Locklear teaches an initiation of a new session by a terminal (20) on a LAN (18), wherein a communication line (22) is selected by communication device (12) using a controller (72), wherein the controller selects a modem (50) and associated twisted pair communications line (22) based on information and stored data (see col. 5 lines 1-7, col. 6 lines 1-7 and col. 6 lines 53-59). The communication device (12) further communicates with communication server (16) to further assign and forward data on a selected communication line (see col. 5 lines 25-29). Locklear teaches a method for initiating and establishing a connection session for the first time (col. 5 lines 1-7) and further presents a method for the maintenance of an established communication session (col. 5 lines 53-57).

In referring to claims 2-11, 13-19 and 21-25, in light of the arguments above, the combination of Locklear and Mamakos teach all the features of the dependent claims. In referring to claim 26-28, Locklear prevents data looping by identifying sessions to corresponding modems thereby preventing other communication links from receiving data furthermore, data is proportioned by splitting packets into separate packet sizes and assigned to separate modems to prevent looping of the same data (see col. 11 lines 27-47).

In regards to claim 29, Locklear shows two communications links (22) terminated by simple modems (50) without learning bridge logic (col. 6 lines 3-6)

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Conclusion

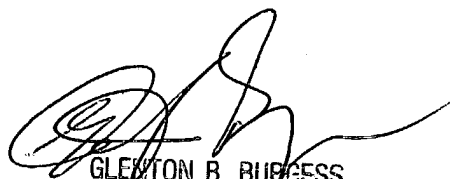
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
July 7, 2004


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